

73-20-1. Purpose of act -- Legislative finding.

It is the purpose of this act to provide financial assistance to commercial farmers and ranchers within the state who own or lease commercial farms or ranches and who are engaged primarily in the production of basic livestock herds in conjunction with such agricultural activity to enable them to provide adequate water supplies for the maintenance and preservation of such herds.

The Legislature finds that drought conditions in the state have resulted in a severe deterioration of range and pasture land which will have a detrimental effect upon the basic livestock industry within the state and upon the people of the state unless financial assistance for the purpose of developing emergency water resources to water basic livestock are made available to those in need.

Enacted by Chapter 6, 1977 Special Session 1

73-20-2. Definitions.

As used in this act:

(1) "Advisory board" means the Agricultural Advisory Board created by Section 4-2-7.

(2) "Board" means the Board of Water Resources created by Section 73-10-1.5.

(3) "Commercial farm" means a tract or tracts of land with or without improvements recognized as a farm or ranch in this state which is owned and operated or leased and operated by the applicant, and used in the production and raising of basic livestock.

(4) "Farmer" means any person who owns and operates or leases and operates a commercial farm in this state, and includes individuals, partnerships and corporations.

(5) "Basic livestock" means a herd of cattle, sheep, or swine kept and maintained primarily for breeding purposes.

Amended by Chapter 12, 1994 General Session

73-20-3. Authority of Board of Water Resources.

The board is authorized to develop water resources and make such resources available to farmers and ranchers based upon demonstrated need from emergency funds appropriated and deposited in the emergency water resources construction account created pursuant to this act, for the exclusive purpose of developing and making water resources available to farmers and ranchers including, but not limited to, the development of springs, the drilling of wells, the installation of necessary water pipes, the construction of livestock watering storage ponds and the construction of livestock watering troughs or other watering facilities.

Enacted by Chapter 6, 1977 Special Session 1

73-20-4. Qualification for financial assistance.

To qualify for financial assistance under this act the farmer shall:

(1) make written original application to the advisory board and to the board on forms prescribed by the board in conjunction with the advisory board;

(2) own or hold under lease a commercial farm which contributed more than one-half of the farmer's or rancher's gross income from all income sources for the taxable year 1976;

(3) comply with any condition imposed by the board for financial assistance pursuant to authority granted the board under Section 73-20-3.

Enacted by Chapter 6, 1977 Special Session 1

73-20-5. Consultation with Agricultural Advisory Board.

The board, before making any expenditure of emergency funds appropriated under this act, shall consult with and receive the advice of the advisory board with respect to the demonstrated need for financial assistance in the form of the development of a water resource.

Enacted by Chapter 6, 1977 Special Session 1

73-20-6. Payment for emergency water resource developments.

The terms and conditions of payment for emergency water resource developments constructed pursuant to this act shall be set forth in a written contract prepared by the Division of Water Resources under the direction of the board and shall be executed by the farmer or rancher benefited. The substantive terms and conditions for payment shall be specified in the sole discretion of the board and shall appear in such contract. Title to any emergency water resource constructed under this act shall remain in the Division of Water Resources until the actual cost of the project is paid for in full by the benefited farmer or rancher.

Enacted by Chapter 6, 1977 Special Session 1

73-20-7. Feasibility study required before approval of assistance.

Before approval of any application for financial assistance under this act, the board shall cause the division of water resources to conduct a feasibility study. Such cost-efficient study shall include all costs of acquisition and construction as well as costs incurred for preliminary planning, engineering, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, and any other action necessary for the construction or improvement of the proposed water resource. The board may assess reasonable charges to a farmer or rancher for the cost of a feasibility study.

Enacted by Chapter 6, 1977 Special Session 1

73-20-8. Emergency Water Resources Account -- Creation -- Purpose.

There is hereby created within the Water Resources Construction Fund an account to be known as the "Emergency Water Resources Account," the proceeds of which shall be used exclusively for the development of emergency water resources.

Amended by Chapter 169, 1988 General Session

73-20-9. Emergency Water Resources Account -- Appropriation -- Purpose.

There is hereby appropriated to the Emergency Water Resources Account from the General Fund, from otherwise unappropriated liquor control profits, the sum of \$2,000,000 to be expended exclusively for the construction or improvement of water resources for eligible farmers or ranchers.

Enacted by Chapter 6, 1977 Special Session 1

73-20-10. Proceeds deposited to Water Resources Construction Fund.

The proceeds from the payment for emergency water resources from farmers and ranchers shall be deposited to the Water Resources Construction Fund for use in accordance with the purposes of such fund.

Amended by Chapter 169, 1988 General Session

73-20-11. Transfer of funds -- Purposes.

(1) On the effective date of this act \$1,500,000 shall be transferred from the Emergency Water Resources Account created under Section 73-20-8 and initially funded under Section 73-20-9 to the water and power board construction fund proper.

(2) The balance remaining in the Emergency Water Resources Account after the transfer authorized by Subsection (1) of this section may be used for all purposes provided for under Title 73, Chapter 20 through December 31, 1978. Any amount in this account then remaining uncommitted shall be transferred immediately to the water and power board construction fund proper.

(3) Any amounts so transferred under Subsection (1) or (2) of this section shall be substantially used initially for agriculturally-related projects.

Enacted by Chapter 37, 1978 General Session